

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-20 are currently pending in this application, of which claims 1 and 17 are independent and the rest dependent. Claim 20 is newly added.

**DOUBLE PATENTING REJECTION**

Claims 1-6, 8-11, 13, and 16-18 are *provisionally* rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-26, 29, 32-33, and 36-40 of copending Application No. 10/577,158.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/577,158 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

**REJECTIONS UNDER 35 U.S.C. § 103**

• **Minemura in view of Zilliacus**

Claims 1-11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0114144 ("Minemura") in view of U.S. Patent 6,832,230 ("Zilliacus").

It is alleged in the Office Action at page 4 that, Minemura in paragraph [0125], discloses the hash function (allegedly the "cryptogram" of claim 1, as per the Examiner) including "**instructions intended for the security module**," as recited in claim 1.

It appears that the Examiner is reading "**instructions intended for the security module**" of claim 1 upon the application-usable resource information disclosed in paragraph [0125]. As is understood from paragraph [0125], the

'application-usable resource information' is information regarding resources of the authentication module 101 of FIG. 13 whose use is approved for an authenticated application. Also, the application-usable resource information is held in the application-usable resource information holding means 1301 of Terminal 1 and Minemura, in paragraph [0125], fails to disclose or fairly suggest that the application-usable resource information is "**generated by the control server.**" as required by claim 1. (Emphasis Added)

Further, the authentication module 101 of FIG. 13 of Minemura does not execute the application-usable resource information and does not release or block access of resources of the authentication module 101.

For at least all these reasons, Applicants submit that Minemura fails to disclose or fairly suggest "**the cryptogram including a digest of the application, the identification data and instructions intended for the security module**" and "**performing at least one of releasing and blocking access of certain resources of said security module to the application.**" as recited in claim 1. (Emphasis Added)

Acknowledging the deficiencies of Minemura in teaching each and every limitation of claim 1, the Examiner relies on the teachings of Zilliacus in overcoming the noted deficiencies of Minemura. Particularly, the Examiner alleges that Zilliacus teaches "receiving by the control server, via the network, identification data including at least an identifier of the equipment and an identifier of the security module," as recited in claim 1.

However, even though Zilliacus may arguably disclose (not admitted) sending equipment and security module information to a downloading service to download an application on a mobile terminal, the application is not authenticated by the mobile terminal on which it is downloaded. Also, the functioning of the application is not controlled by the downloading service. Once installed, the application may

expire by itself at the predetermined time without any instruction sent by the downloading service. Col. 6, lines 25-29, of Zilliacus discloses that “the application chosen is automatically configured before downloading to cease functioning or delete itself from the memory after selected lifetime expires.”

For all these reasons, Applicants submit that, Minemura and Zilliacus, alone or in combination fail to render the limitations of claim 1 and the somewhat similar limitations of claim 17 obvious to one of ordinary skills in the art.

Claims 2-11, 13-16 and 18-19, dependent on one of independent claims 1 and 17, are patentable for the reasons stated above with respect to claims 1 and 17 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-11, 13-19 under 35 U.S.C. § 103 be withdrawn.

- Minemura and Zilliacus in view of Haverinen

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Minemura and Zilliacus as applied to claim 11, and in further view of US 2002/0012433 (“Haverinen”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully assert that claim 12 is dependent upon claim 1 and claim 1 has been shown patentable at least for the reasons set forth above. Also, Haverinen fails to overcome the noted deficiencies of Minemura and Zilliacus. Therefore, the alleged combination of Minemura, Zilliacus and Haverinen (if combinable, which is not admitted) fails to render the limitations of claim 12 obvious to one of ordinary skills in the art.

For this reason, Applicants respectfully request that the rejections under 35 U.S.C §103(a) of claim 12 be withdrawn.

**NEW CLAIM**

Claim 20 is newly added. New claim 20, dependent on independent claim 1, is also allowable at least for the reasons given above with respect to claim 1 and also on its own merits.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

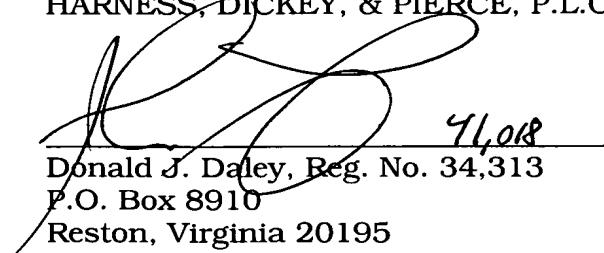
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

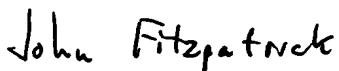
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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